(3)

C & R 1001 — SINGLE BENCH

(15)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 4610 /2005

R.E. No. 4699/05
Presented by Shri Ashok Mishra
dated 8/9/05

HON'BLE S.B.

OTHER MATTER

PETITIONER Applicant

Ragunath Sahu,
Aged about 50 years
S/o. Shri Parsadi Sahu
Occupation- Agricultural
R/o. Vill. Tumadibod
Tahsil Dongargaon, District
Rajnandgaon (C.G.)

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VERSUS

RESPONDENTS

1. State of Chhattisgarh
   Through The secretary
   Department of Revenue
   D.K.S. Bhawan, Raipur (C.G.)
2. Board of Revenue of Chhattisgarh
   Circuit court Raipur (C.G.)
3. The Additional Collector
   District Rajnandgaon (C.G.)
4. Naib Tahsildar
   Dongargaon Distt. Rajnandgaon (C.G.)
   Kharora Road, Tilda,Raipur (C.G.)

शपथ आयुक्त
एस.एस. शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

WRIT PETITION U/A 226/ 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 4610/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26.9.2005

Smt. Savita Tiwari, counsel for the petitioner.

Shri Y.S. Thakur, Govt. Adv. for respondent Nos.1 to 4.

Heard.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by the order dated 20.5.2003 passed by the Board of Revenue, Chhattisgarh in Revision No.118/A-68/2002-03 filed against the order of learned Additional Collector, Rajnandgaon dated 11.5.1999.

It appears from the record that the petitioner herein encroached upon the government land, as a result of which Naib Tehsildar, Dongargaon instituted three cases regarding trespass and passed the orders on 31.12.1990, 12.11.1990 & 29.5.1991 respectively and the petitioner was asked to deposit Rs.20, Rs.20 & Rs.10 per day as a fine. Being aggrieved by the said orders the petitioner herein moved a revision petition before the Additional Collector and the Additional Collector vide order dated 11.5.1999 held that the petitioner herein is entitled to file an appeal against the dispossession but he has not preferred any appeal, however, he has challenged the imposition of fine amount of Rs.35,280/-. The Additional Collector has further held that calculation has not been made on the basis of per day and therefore, remanded the case back to the Naib Tehsildar

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

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with a direction to impose the fine amount after hearing the parties. Against this order the petitioner preferred a revision petition before the Board of Revenue Chhattisgarh and the Revenue Board also dismissed the same.

Now, the grievance of the petitioner is that opportunity of hearing is not given to him.

The Additional Collector passed the order as back as on 11.5.1999 and thereafter more than 6 years have been elapsed and if the petitioner is not being heard then he is at liberty to approach the Additional Collector who directed the Naib Tehsildar to pass the order regarding imposition of fine after hearing the parties. Moreover, this writ petition has been filed after 2 years 4 months from the date of order of Revenue Board.

In view of the above, I am of the opinion that the petitioner has not been able to make out a case for interference by this Court under Article 227 of the Constitution of India, the petition is liable to be dismissed and it is, accordingly, dismissed.

Consequently, M.(W.)P. No.3740/2005 & I.A. No.8295/025 also stand dismissed.

Sd/-
L.C. Bhadoo
Judge

Roshan

SP/FS/2005 - 20,000